HOUSE BILL No. 1357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-8.

Synopsis: Regulation of violent video games. Imposes certain requirements on an establishment that has violent or sexually explicit video games. Creates penalties for a person who: (1) presents false information in order to operate a restricted video game; or (2) misrepresents that the person is a parent, guardian, or custodian of a minor for the purpose of allowing a minor to operate a restricted video game Makes it a Class B infraction for an establishment to violate the requirements of this law. Imposes civil penalties for repeat offenses that occur within 90 days. Specifies that certain licensed areas, private industrial or office locations, private clubs, and riverboats are not subject to the requirements of this law.

Effective: July 1, 2003.

Smith V, Klinker

January 14, 2003, read first time and referred to Committee on Human Affairs.





2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1357

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 35-46-8 IS ADDED TO THE INDIANA CODE AS
2	A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3	1, 2003]:
4	Chapter 8. Amusement Machines
5	Sec. 1. This chapter does not apply to the following
6	establishments:
7	(1) The part of a licensed premises (as defined in
8	IC 7.1-1-3-20) in which entry is limited to persons who are at
9	least eighteen (18) years of age.
10	(2) Private industrial or office locations that are customarily
11	accessible only to persons who are at least eighteen (18) years
12	of age.
13	(3) Private clubs, if the membership is limited to persons who
14	are at least eighteen (18) years of age.
15	(4) Riverboats on which lawful gambling is authorized if entry
16	is limited to persons who are at least twenty-one (21) years of
17	age.



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1	Sec. 2. As used in this chapter, "accompany" means a parent,
2	guardian, or custodian:
3	(1) is within five (5) feet of a minor at all times while the
4	minor is operating an amusement machine harmful to minors;
5	or
6	(2) has appeared in person at an establishment where an
7	amusement machine is located with the minor and on that day
8	has given permission for the minor to operate the amusement
9	machine:
10	(A) to the owner of the establishment where the
11	amusement machine harmful to minors is located;
12	(B) to an agent of the owner; or
13	(C) to an employee of the owner.
14	Sec. 3. As used in this chapter, "amusement machine" means a
15	video game or other electronic device offered to the public as a
16	game or an amusement that requires currency, tokens, cards, or
17	tickets and awards points based on the skill of the operator.
18	Sec. 4. As used in this chapter, "harmful to minors" means
19	images on an amusement machine that depict or represent the
20	following:
21	(1) Serious bodily injury (as defined in IC 35-41-1-25).
22	(2) Bloodshed.
23	(3) Sexual conduct (as defined in IC 35-49-1-9).
24	(4) Obscene acts or depictions (as described in IC 35-49-2-1).
25	(5) Nudity (as defined in IC 35-49-1-5).
26	Sec. 5. As used in this chapter, "minor" has the meaning set
27	forth in IC 35-49-1-4.
28	Sec. 6. (a) An establishment that owns or possesses an
29	amusement machine harmful to minors shall do the following:
30	(1) Require a minor in the establishment to be accompanied
31	by a:
32	(A) parent;
33	(B) guardian (as defined in IC 29-3-1-6); or
34	(C) custodian (as defined in IC 35-42-4-7);
35	if the minor is operating an amusement machine harmful to
36	minors.
37	(2) Place a conspicuous sign on each amusement machine
38	harmful to minors. The sign must state that the amusement
39	machine may not be operated by a minor unless the minor is
40	accompanied by a parent, guardian, or custodian.
41	(3) Separate by at least ten (10) feet all amusement machines
42	harmful to minors from:



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1	(A) amusement machines not harmful to minors;
2	(B) pool or billiard tables;
3	(C) pinball machines; or
4	(D) bowling machines or alleys.
5	(4) Prohibit a minor who is subject to compulsory school
6	attendance laws as set forth in IC 20-8.1-3-17 from being
7	present in the establishment any time after 7 a.m. and before
8	3:30 p.m. on a day that school is in session, unless the minor
9	is accompanied by a parent, guardian, or custodian.
10	(5) Place a conspicuous sign inside the establishment that
11	informs minors subject to compulsory school attendance law
12	as set forth in IC 20-8.1-3-17 of the requirements set forth in
13	subdivision (4).
14	(6) Place on a minor a nontransferable, clearly visible
15	designation indicating that the parent, guardian, or custodian
16	of the minor has consented to allow the minor to operate an
17	amusement machine harmful to minors.
18	(b) The following defenses are available to establishments
19	accused of violating this chapter:
20	(1) The minor produced a driver's license bearing the minor's
21	photograph at the establishment where the amusement
22	machine harmful to minors is located to:
23	(A) the owner of the establishment;
24	(B) an agent of the owner; or
25	(C) an employee;
26	that stated the minor was of legal age to operate the
27	amusement machine harmful to minors without being
28	accompanied by a parent, guardian, or custodian.
29	(2) The minor produced an identification card issued under
30	IC 9-24-16-1 that indicates the minor was of legal age to
31	operate the amusement machine harmful to minors without
32	being accompanied by a parent, guardian, or custodian.
33	Sec. 7. An establishment that violates the requirements of this
34	chapter commits a Class B infraction. Notwithstanding
35	IC 34-28-5-4(b), a civil judgment for an infraction committed
36	under this chapter must be imposed as follows:
37	(1) If the establishment has not been issued a citation or
38	summons for a violation of this chapter in the previous ninety
39	(90) days, a civil penalty of fifty dollars (\$50).
40	(2) If the establishment has had one (1) citation or summons
41	issued for a violation of this chapter in the previous ninety
42	(90) days, a civil penalty of one hundred dollars (\$100).



1	(3) If the establishment has had two (2) citations or	
2	summonses issued for a violation of this chapter in the	
3	previous ninety (90) days, a civil penalty of two hundred fifty	
	dollars (\$250).	
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5	(4) If the establishment has had at least three (3) citations or	
6	summonses issued for a violation of this chapter in the	
7	previous ninety (90) days, a civil penalty of five hundred	
8	dollars (\$500).	
9	Sec. 8. A minor who presents false information to an	
0	establishment for the purpose of operating an amusement machine	
1	harmful to minors without being accompanied by a parent,	
2	guardian, or custodian commits a Class B infraction.	
3	Sec. 9. A person who misrepresents that:	
4	(1) the person is a parent;	
.5	(2) the person is a guardian; or	
6	(3) the person is a custodian;	
7	of a minor child for the purpose of allowing the minor child to	
8	operate an amusement machine harmful to minors commits a Class	
9	B infraction.	

